

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No: 4:23cr00011
	:	
JUSTIN DARRELL WHITAKER	:	

AGREED STATEMENT OF FACTS

This Agreed Statement of Facts briefly summarizes the facts and circumstances surrounding the criminal conduct of defendant Justin Darrell Whitaker at issue in this case. It does not contain all of the information obtained during the investigation and applicable to an accurate Presentence Investigation Report and Sentencing Guidelines Calculation.

This Agreed Statement of Facts is not protected by proffer agreement or any other agreement and shall be wholly admissible at trial notwithstanding any rules or statutes to the contrary, including but not limited to, Federal Rules of Evidence 408 and 410 and Federal Rule of Criminal Procedure 11.

On September 22, 2022, around 3:20 a.m., defendant Justin Darrell Whitaker and co-defendant Bradley Wayne McCraw broke into the Rabbit Ridge Guns Shop and Range, LLC in Ararat, Virginia. Rabbit Ridge was a Federal Firearms Licensee (FFL) at the time. The burglary was caught on surveillance cameras both inside and outside of the store. Whitaker and McCraw wore masks and gained entry through the back door of the business using a chain and a truck the pair had stolen from a nearby Mount Airy, NC construction company just prior to the burglary.

Whitaker and McCraw stole the following firearms that were in Rabbit Ridge's business inventory:

- a. Diamondback Firearms, Model: DBX, 5.7mm pistol;
- b. Kel-Tec, Model: P50, 5.7mm pistol;
- c. Sauer, J.P. & Sohn, Model: 38H, .32 caliber pistol;
- d. CZ, Model: Unknown, .380 caliber pistol;
- e. SAR, Model: 109T, 9mm pistol;
- f. Garaysar, Model: MKA1923, 12-gauge shotgun;
- g. Mossberg, Model: 590 Shockwave, 20-gauge firearm;
- h. Smith & Wesson, Model: M&P Mod 10, .38 caliber revolver;
- i. Fabrique Nationale (FN), Model: 1922, .32 caliber semi-automatic pistol;
- j. Palmetto State Armory, Model: PA15, 5.56 caliber rifle;
- k. Ruger, Model: Blackhawk, .357 caliber revolver;
- l. Mossberg & Sons, Model: 590 Shockwave, 12-gauge firearm;
- m. Paramount, Model: 1915, .32 caliber pistol.

Surveillance video shows Whitaker and McCraw removing these firearms from Rabbit Ridge, putting them in the stolen truck, and driving away. The truck was later found at a nearby trucking company.

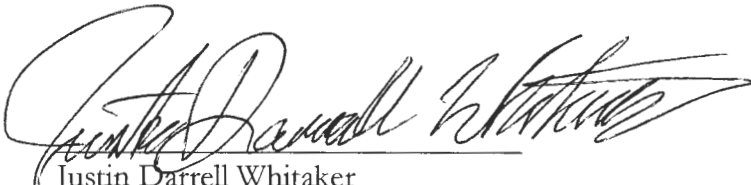
These thirteen firearms are all designed to expel a projectile by the action of an explosive. They were not manufactured in the Commonwealth of Virginia, and thus have traveled in or affected interstate or foreign commerce.

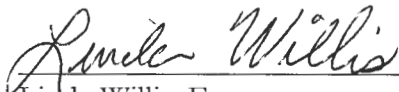
At the time he possessed these firearms on September 22, 2022, Whitaker had been convicted of a crime punishable by imprisonment for a term exceeding one year. Whitaker knew of this felony conviction.

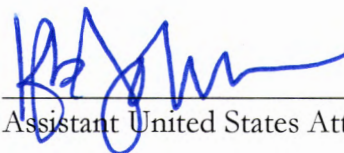
All of this occurred in the Western District of Virginia.

I have reviewed this Statement of Facts with my attorney and I agree that it is true and accurate. I agree that had this matter proceeded to trial, the United States would have proven the facts outlined above beyond a reasonable doubt.

Date: March 11, 2024.


Justin Darrell Whitaker
Defendant


Linda Willis, Esq.
Counsel for Defendant


Assistant United States Attorney